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CENTRAL FAX CENTER

APR 17 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named
Inventor : Cung Ngoc Phan

Group Art Unit: 3625

Appln. No. : 09/736,554

Examiner: N. Rosen

Filed : December 13, 2000

For : SYSTEM AND METHOD FOR
DISTRIBUTING IN REAL-TIME,
INVENTORY DATA ACQUIRED FROM IN-
STORE POINT OF SALE TERMINALS

Docket No. : M61.12-0296

CERTIFICATION OF TELEFACSIMILE TRANSMISSION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

(571) 273-8300

Sir:

I certify that the following papers are being telefacsimile transmitted to the U.S. Patent and
Trademark Office on the date shown below:

1. Appeal Brief.
2. Exhibit 1.
3. Exhibit 2.
4. Form PTO-2038 in the amount of \$500.00.

WESTMAN, CHAMPLIN & KELLY, P.A.

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32 PAGES - INCLUDING COVER PAGE

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CENTRAL FAX CENTER

APR 17 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCESFirst Named
Inventor : Cung Ngoc Phan

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For : SYSTEM AND METHOD FOR REAL-TIME
INVENTORY DATA ACQUIRED FROM IN-
STORE POINT OF SALES TERMINALS

Docket No. : M61.12-0296

BRIEF FOR APPELLANTCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Sir:

This is an appeal from an Office Action dated October 17, 2005 in which claims 1-14 were finally rejected. The appellants respectfully submit that claims 1-14 are allowable, and request that the Board reverse the rejection of claims 1-14 and find that claims 1-14 are in condition for allowance.

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REAL PARTY IN INTEREST

Microsoft Corporation, a corporation organized under the laws of the state of Washington, and having offices at One Microsoft Way, Redmond, Washington 98052, has acquired the entire right, title and interest in and to the invention, the application, and any and all patents to be obtained therefor, as set forth in the chain of Assignments filed on August 5, 2004 and recorded on Reel 015658, frame 0382 and Reel 015658, frame 0736.

RELATED APPEALS AND INTERFERENCES

There are no known related appeals or interferences regarding the present appeal.

STATUS OF THE CLAIMS

- I. Total number of claims in the application.
- | | |
|--------------------------------|----|
| Claims in the application are: | 14 |
|--------------------------------|----|
- II. Status of all the claims.
- | | |
|---------------------------------------|----|
| A. Claims canceled: | 0 |
| B. Claims withdrawn but not canceled: | 0 |
| C. Claims pending: | 14 |
| D. Claims allowed: | 0 |
| E. Claims rejected: | 14 |
| F. Claims objected to: | 0 |
- III. Claims on appeal
- | | |
|---------------------------|------|
| The claims on appeal are: | 1-14 |
|---------------------------|------|

STATUS OF AMENDMENTS

An Amendment was filed after the mailing of the final rejection. The Amendment was in response to objections to claims 2-5 and 9-11. The Examiner indicated, in the Advisory Action, that the Amendment was entered. Therefore, the Appellant believes the claim objections were withdrawn.

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SUMMARY OF CLAIMED SUBJECT MATTER

I. INTRODUCTION

The invention relates to in-store point of sale systems. More particularly, the invention relates to techniques for processing and distributing real-time merchandising and inventory data over a communication network.

II. BRIEF BACKGROUND

Electronic merchandising systems allow customers to purchase goods and services from different merchants over a communication network, such as the Internet. Each merchant establishes a virtual store on the network, such as hypertext documents hosted by a website, that consumers can interactively view and purchase items with a personal computer, such as with a web browser. For example, a consumer can transmit an electronic order form that specifies the item(s) that the consumer desires to purchase, the consumer name, shipping address and billing information. The merchant's website processes the electronic form and sends it to the Merchant's fulfillment center for handling the good(s) and shipping the good(s) to the consumer.

In general, it is difficult for a merchant to deliver real-time or up-to-date information to a customer who is ready to buy. Merchants selling on both a virtual store and at a brick and mortar store synchronize their inventory information between the stores at intervals of time because of the time required to reprogram and update the website. Therefore, there is a lag between the time the information is posted on the website and the time a customer comes in contact with the website. This lag time can expose consumers to misinformation and inaccuracies.

III. THE PRESENT INVENTION

A. INDEPENDENT CLAIM 1

Independent claim 1 provides a computer-implemented system for distributing in real-time inventory data acquired from point-of-sale systems that eliminates the lag time between when information is posted and the time a customer comes in contact with the inventory. The system includes a plurality of in-store systems (10) for processing, storing and communicating data (see the

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Specification on page 7, line 10 through page 9, line 19). The system includes a plurality of subscriber systems (40) that generate and process the requests for data (see the Specification on page 7, line 10 through page 9, line 19). The system also includes a host system (20) that is operably coupled to the in-store systems (10) and the subscriber systems (40) for processing, storing and communicating data between the plurality of subscriber systems (40) and the plurality of in-store systems (10) (see the Specification on page 7, line 10 through page 9, line 19).

B. INDEPENDENT CLAIM 6

Independent claim 6 provides a method for processing and distributing real-time inventory data through a communication network (30) that eliminates the lag time between when information is posted and the time a customer comes in contact with the inventory. The method includes transmitting (400-435) current inventory data, merchant identification data and merchant network address data from an in-store system (10) to a host system (20) over the communication network (30) (see the Specification on page 7, line 10 through page 9, line 19 and page 11, lines 1-19). The method includes indexing and storing (510-525) the current inventory data, merchant identification data, and merchant network address data using a host system database (22) at the host system (20) (see the Specification on page 7, line 10 through page 9, line 19 and page 11, line 21 through page 12, line 11). The method includes processing (530-540, 600-630) requests for inventory data with a data distributor (23) in the host system (20) using said indexed and stored inventory data, merchant identification data and merchant network address data in response to receiving a request for inventory data from a subscriber system (40) (see the Specification on page 7, line 10 through page 9, line 19 and page 12, line 5 through page 13, line 5). The method also includes transmitting (635) a response to said subscriber system (40) (see the Specification on page 7, line 10 through page 9, line 19 and page 13, lines 4-5).

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

I. Whether claims 1, 6, 12, 13 and 14 are unpatentable over the anonymous article "ArsDigita Powers Nation's Leading Wine Exchange", hereinafter ArsDigita (See Appendix B, Exhibit A).

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II. Whether claim 2 is unpatentable over ArsDigita in view of "Microsoft Press Dictionary" (See Appendix B, Exhibit B).

III. Whether claims 3-5 and 9-11 are unpatentable over ArsDigita in view of the Microsoft Press Dictionary and further in view of an official notice.

IV. Whether claims 7 and 8 are unpatentable over ArsDigita in view of an official notice

ARGUMENT

Claims 1-14 have been rejected under 35 USC §103(a) with various combinations of the cited references and various official notices taken by the Examiner. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. In re Vaeck, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991); M.P.E.P. §2143.

M.P.E.P. §2144.03 outlines when it is appropriate for an examiner to take official notice of facts without documentary evidence or to rely on "common knowledge". An official notice of facts should be used in only limited circumstances. These limited circumstances are rare and notice of facts beyond the record which may be taken by the examiner must be "capable of such instant and unquestionable demonstration as to defy dispute." See *In re Knapp Monarch Co.*, 132 USPQ 6 (CCPA 1961). The Federal Circuit court has stated in both *In re Zurko*, 59 USPQ2d 1693, 1697 (Fed. Cir. 2001) and in *In re Lee*, 61 USPQ2d 1430, 1434-34 (Fed. Cir. 2002) that "deficiencies of the cited references cannot be remedied by the Board's general conclusions about what is 'basic knowledge' and what is 'common sense.' The Board's findings must extend to all material facts and must be documented on the record lest the 'haze of so-called expertise' acquire insulation from accountability."

In prosecution, the Appellant clearly disagreed with the Examiner's taking of official notice and pointed out that even assuming, arguendo, that the Examiner is correct in the assertions of fact, the Examiner's takings of Official Notice are insufficient to form obviousness

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rejections. In addition, the Appellant respectfully points out that MPEP §2144.03(A) states that "it would not be appropriate to take official notice of facts without citing a prior art reference where the facts to be asserted as well known are not capable of instant and unquestionable demonstration." Here, the Examiner has failed to provide references on facts that are not capable of instant and of unquestionable demonstration.

I. PRIOR ART

ArsDigita (Appendix B, Exhibit A) teaches an on-line commerce system that allows a consumer to interact with a community of wine merchants via the website WineAccess.com. Each merchant serviced by the on-line commerce system will have a custom-built web site. Each merchant's point-of-sale system will automatically update and market that merchant's inventory of wines. The website WineAccess.com provides a consumer with a database of available wines to choose from. The website WineAccess.com directs the consumer to merchants that carry the consumer's selections.

Microsoft Press Dictionary (Appendix B, Exhibit B) teaches definitions for the terms HTTP, TCP/IP, server and web browser. HTTP is a client/server protocol used to access information on the World Wide Web. TCP/IP is a protocol that has become the de facto for data transmission over networks. A server is a computer or program that controls access to a network and its resources and/or responds to a client. A web browser is a client application that enables a user to view HTML documents, follow hyperlinks and transfer files on the World Wide Web or other type of network on a user's computer.

II. REJECTION OF CLAIMS 1, 6 AND 12-14 UNDER 35 USC § 103(a)

Pages two and seven of the Final Office Action indicated that claims 1, 6 and 12-14 were rejected under 35 USC § 103(a) as being unpatentable over ArsDigita (Appendix B, Exhibit A).

A. Claim 1

Appellant respectfully submits that there is insufficient evidence to establish a *prima facie* case of obviousness in independent claim 1. In particular, it is respectfully submitted that ArsDigita does not teach or suggest all of the elements recited in independent claim 1. In particular, the

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ArsDigita reference fails to teach or suggest:

- a host system, operably coupled to the in-store systems and the subscriber systems for processing, storing and communicating data between the plurality of subscriber systems and the plurality of in-store systems

as claimed in claim 1.

On page three of the Final Office Action, the Examiner stated that the ArsDigita reference discloses a web site, which implies that the web site is hosted with a host system. Appellant respectfully submits that no matter whether it can be implied that the WineAccess.com is hosted, the Examiner has not shown and nor can it be implied that the WineAccess.com web site includes a host system for communicating inventory data between the plurality of subscriber systems and the plurality of in-store systems. Like inherent elements, elements which are implied in the prior art can only be so when they are necessarily present, but not expressly described or recognized. It is improper for the Examiner to imply that the ArsDigita reference includes elements that are based on possibilities or probabilities. Instead, ArsDigita teaches a web site, WineAccess.com, that merely includes a list of types of wines and what seller sells each type of wine. The web site can direct a consumer to a web site for the particular store that sells a particular type of wine. ArsDigita fails to teach or suggest "processing, storing or communicating data between the plurality of subscriber systems and the plurality of in-store systems."

For at least these reasons, the Appellant submits that claim 1 is not obvious in view of the cited reference, and respectfully requests that the Board reverse the Examiner's rejection of that independent claim.

B. Claims 6 and 12-14

Appellant respectfully submits that there is insufficient evidence to establish a *prima facie* case of obviousness in independent claim 6. In particular, it is respectfully submitted that ArsDigita does not teach or suggest all of the elements recited in independent claim 6. In particular, the ArsDigita reference fails to teach or suggest:

- transmitting current inventory data, merchant identification data and merchant network address data from an in-store system to a host system over the communication network;
- indexing and storing the current inventory data merchant identification data and

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merchant network address data using a host system database at the host system

- processing requests for inventory data with a data distributor in the host system using said indexed and stored inventory data, merchant identification data and merchant network address data in response to receiving a request for inventory data from a subscriber system

as claimed in claim 6.

On page eight of the Office Action, the Examiner has rejected claim 6 by stating that the ArsDigita reference discloses access to a database of over 250,000 wines, enabling customers to see what items are in-stock and shopping for top-rated wines implies that WineAccess.com processes requests for inventory data with a data distributor in the host system using said data in response to receiving a request for inventory data from a subscriber system. As previously discussed, elements which are implied in the prior art can only be so when they are necessarily present, but not expressly described or recognized. It is improper for the Examiner to imply that the ArsDigita reference includes elements that are based on possibilities or probabilities. It is respectfully submitted that it is improper for the Examiner to imply that the ArsDigita references implies the elements of claim 6. Instead, the ArsDigita merely teaches building a web site for a seller using a seller's point of sale system to update that store's inventory of wines. WineAccess.com matches consumers to a seller based on a type of wine that the consumer desires. WineAccess.com matches consumers to sellers by looking at a database of wine types. ArsDigita fails to teach any of the above bulleted elements.

For at least these reasons, the Appellant submits that claim 6 is not obvious in view of the cited reference, and respectfully requests that the Board reverse the Examiner's rejection of that independent claim.

Claims 12-14 further define steps of claim 6. Claims 12-14 share in all the limitations of claim 6 and contribute further limitations. Accordingly, claims 12-14 are each not obvious in view of the cited references, at the very least, for the rationales provided above pertaining to claim 6. At least for this reason, the Appellant submits that claims 12-14 are not obvious in view of the cited reference, and respectfully requests that the Board reverse the Examiner's rejection of those dependent claims.

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III. REJECTION OF CLAIM 2 UNDER 35 USC §103(a)

On page three of the Final Office Action, claim 2 was rejected under 35 USC §103(a) as being unpatentable over ArsDigita (Appendix B, Exhibit A) in view of the Microsoft Press Computer Dictionary (Appendix B, Exhibit B). Claim 2 further defines the elements of claim 1. Claim 2 shares in all the limitations of claim 1 and contributes further limitations. Accordingly, claim 2 is not obvious, at the very least, for the rationales provided above pertaining to claim 1. At least for this reason, the Appellant submits that claim 2 is not obvious in view of the cited combination of references, and respectfully requests that the Board reverse the Examiner's rejection of this dependent claim.

IV. REJECTION OF CLAIMS 3-5 AND 9-11 UNDER 35 USC § 103(a)

On page four of the Final Office Action, claims 3-5 and 9-11 were rejected under 35 USC § 103(a) as being unpatentable over ArsDigita in view of Microsoft Press Dictionary and further in view of an official notice. The official notice being that "it is well known for commercial web sites to identify merchants whose web sites they are." Accordingly, claims 3-5 and 9-11 are each not obvious, at the very least, for the rationales provided above pertaining to claims 1 and 6. However, the Appellant respectfully traverses the Examiner's taking of official notice and assessment of the cited references. It is believed that the rejection is improper for additional reasons.

A. Claims 3-4

Claims 3-4 share in all the limitations of claim 1 and contribute further limitations. Accordingly, claims 3-4 are each not obvious, at the very least, for the rationales provided above pertaining to claim 1. However, the Appellant respectfully traverses the Examiner's taking of official notice and assessment of the cited references. It is believed that the rejection to claim 3-4 is improper for additional reasons.

It is respectfully submitted that the combination of cited references fail to teach or suggest "a memory database used to store merchant identification data, the sales transaction data and the inventory data" as claimed in claim 3. Even assuming, arguendo, that the Examiner is correct in

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the assertion that it is well known for commercial web sites to identify the merchants whose web sites they are, that finding is still insufficient to form an obviousness rejection. First, the Examiner has failed to show a reference in support of the official notice, as required by MPEP 2144.03. Furthermore, the official notice still does not teach or suggest "a memory database used to store merchant identification data". The Examiner only takes official notice that web sites identify the merchants whose web sites they are. This official notice does not teach how the web sites identify the merchants as claimed in claim 3.

In addition, the Examiner states on page four of the Office Action that the cited reference implies that data is transmitted in real-time. Again, an element can only be implied when it is necessarily present, but not expressly described or recognized. However, the cited reference does not disclose that a host system processes, stores and communicates inventory data as discussed above let alone disclose that the inventory data stored in the host system is updated in real-time. Real-time transmission is not necessarily present and can not be implied. Real-time transmission has been gleaned from the Appellant's own application.

At least for these reasons, the Appellant submits that claims 3-4 are not obvious in view of the cited combination of references and the official notice, and respectfully requests that the Board reverse the Examiner's rejection of these dependent claims.

B. Claim 5

Claim 5 shares in all the limitations of claims 1, 3 and 4 and contributes further limitations. Accordingly, claim 5 is not obvious, at the very least, for the rationales provided above pertaining to claims 1, 3 and 4. It is believed, however, that the rejection to claim 5 is improper for additional reasons.

It is respectfully submitted that the combination of cited references fail to teach or suggest "a host system database used to store the inventory data, merchant identification data, and merchant network address data", "a host system communicator used to receive and transmit data in substantially real-time between each in-store system and each subscriber system, using said communication network" and "a data distributor to process data requests from each subscriber system" as claimed in claim 5. It is respectfully submitted that it can not be implied that the host system includes a host system database as recited, a host system communicator as recited and a data

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distributor as recited. The examiner has drawn one implication from the combination of cited references, however, other implications can also be drawn. Therefore, the implication drawn by the Examiner is improper.

At least for these reasons, the Appellant submits that claim 5 is not obvious in view of the cited combination of references and the official notice, and respectfully requests that the Board reverse the Examiner's rejection of this dependent claim.

C. Claim 9

Claim 9 shares in all the limitations of claim 1, 3, 4 and 5 and contributes further limitations. Accordingly, claim 9 is not obvious, at the very least, for the rationales provided above pertaining to claims 1, 3, 4 and 5. It is believed, however, that the rejection is improper for additional reasons.

It is respectfully submitted that the combination of cited references fail to teach or suggest that "the host system is configured to store a network address for the in-store systems identification data is a network address" as claimed in claim 9.

At least for these reasons, the Appellant submits that claim 9 is not obvious in view of the cited combination of references and the official notice, and respectfully requests that the Board reverse the Examiner's rejection of those dependent claims.

D. Claim 10

Claim 10 shares in all the limitations of claim 1, 3, 4 and 5 and contributes further limitations. Accordingly, claim 10 is not obvious, at the very least, for the rationales provided above pertaining to claims 1, 3, 4 and 5. It is believed, however, that the rejection is improper for additional reasons.

It is respectfully submitted that the combination of cited references fail to teach or suggest that "the host system is configured to store communicate with the in-store systems on behalf of the subscriber systems" as claimed in claim 10.

At least for these reasons, the Appellant submits that claim 10 is not obvious in view of the cited combination of references and the official notice, and respectfully requests that the Board reverse the Examiner's rejection of those dependent claims.

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E. Claim 11

Claim 11 shares in all the limitations of claim 1, 3, 4 and 5 and contributes further limitations. Accordingly, claim 11 is not obvious, at the very least, for the rationales provided above pertaining to claims 1, 3, 4 and 5. It is believed, however, that the rejection is improper for additional reasons.

It is respectfully submitted that the combination of cited references fail to teach or suggest that "the inventory data is sent from the in-store systems to the host system, and wherein the host system is configured to either forward the inventory data to the subscriber system or store the inventory data in the host system for later access by the subscriber system" as claimed in claim 11.

At least for these reasons, the Appellant submits that claim 11 is not obvious in view of the cited combination of references and the official notice, and respectfully requests that the Board reverse the Examiner's rejection of those dependent claims.

V. REJECTION OF CLAIMS 7 AND 8 UNDER 35 U.S.C. §103(a)

Claims 7 and 8 were rejected under 35 U.S.C. §103(a) as being unpatentable over ArsDigita and further in view of an official notice. The official notice being that "it is well known to use network address data to initiate communication with a remote computer". Claims 7 and 8 further define steps of independent claim 6. Claims 7 and 8 share in all the limitations of claim 6 and contribute further limitations. Accordingly, claims 7 and 8 are each not obvious, at the very least, for the rationales provided above pertaining to claim 6. However, the Appellant respectfully traverses the Examiner's taking of official notice and assessment of the cited references. It is believed that the rejection is improper for additional reasons.

Even assuming, arguendo, that the Examiner is correct in the assertion that it is well known that network address data is used to initiate communication with a remote computer, that finding is still insufficient to form an obviousness rejection. The official notice does not teach or suggest that a host system is in communication with an in-store system. The cited references merely suggest that WineAccess.com establishes web sites for different stores and knows what types of wines those stores carry. There is no indication that there is any communication between a host system and an in-store system let alone that merchant identification data is communicated

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along with inventory data.

At least for these reasons, the Appellant submits that claims 7 and 8 are not obvious in view of the cited reference and the official notice, and respectfully requests that the Board reverse the Examiner's rejection of those dependent claims.

V. CONCLUSION

The cited references and official actions taken in the Final Office Action are improper and fail to teach or suggest the features recited in claims 1-14. Accordingly, Appellant respectfully requests that the Board reverse the Examiner and find that claims 1-14 are in condition for allowance.

Respectfully submitted,

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Appendix A: Claims on Appeal

1. A computer implemented system for distributing in real-time, inventory data acquired from point-of-sale systems at any one of a plurality of retail systems, comprising:
 - (a) a plurality of in-store systems for processing, storing, and communicating data;
 - (b) a plurality of subscriber systems for generating and processing requests for data; and
 - (c) a host system, operably coupled to the in-store systems and the subscriber systems, for processing, storing, and communicating data between the plurality of subscriber systems and the plurality of in-store systems.
2. The computer implemented system of claim 1, wherein the in-store systems, the subscriber systems and the host system are coupled to one another through a communication network configured to transmit and receive data among the in-store systems, the subscriber systems, and the host system, and to support one of a transmission control protocol/internet protocol (TCP/IP) and hypertext transfer protocol (http).
3. The computer implemented system of claim 2, wherein each in-store system further comprises:
 - a point-of-sale device used to process sales transactions and generate sales transaction data and generate inventory data at a place of business of a merchant;
 - a memory database used to store merchant identification data, the sales transaction data, and the inventory data; and
 - an in-store communicator used to transmit and receive data in substantially real-time through said communication network.
4. The computer implemented system of claim 3, wherein each subscriber system further comprises:
 - a browser component useable by a consumer to access and view the inventory data indicative of a given merchant's inventory, in substantially real-time using said

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- communication network; and
- a virtual store server useable to access inventory data in substantially real-time using said communication network and to process online sales of goods or services offered for sale by a given merchant.
5. The computer implemented system of claim 4, wherein the host system further comprises:
- a host system database used to store the inventory data, merchant identification data, and merchant network address data;
 - a host system communicator used to receive and transmit data in substantially real-time between a plurality of in-store systems and a plurality of subscriber systems, using said communication network; and
 - a data distributor to process data requests from said subscriber systems.
6. A method for processing and distributing real-time inventory data through a communication network, comprising the steps of:
- transmitting current inventory data, merchant identification data, and merchant network address data from an in-store system to a host system over the communication network;
 - indexing and storing the current inventory data, merchant identification data, and merchant network address data using a host system database at the host system;
 - processing requests for inventory data with a data distributor in the host system using said indexed and stored inventory data, merchant identification data, and merchant network address data in response to receiving a request for inventory data from a subscriber system; and
 - transmitting a response to said subscriber system.

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7. The method of claim 6, wherein processing requests comprises:
using the indexed and stored merchant network address data to initiate communication between said host system and said in-store system to retrieve inventory data when a request is made by said subscriber system.
8. The method of claim 6, wherein processing requests comprises:
establishing a communication connection from said in-store system to said host system using the communication network;
triggering said in-store system to transmit current inventory data, merchant identification data, and merchant network address data to said host system; and
storing transmitted current inventory data, merchant identification data, and merchant network address data using said host system database.
9. The computer implemented system of claim 5, wherein the host system is configured to store a network address for the in-store systems.
10. The computer implemented system of claim 5, wherein the host system is configured to communicate with the in-store systems on behalf of the subscriber systems.
11. The computer implemented system of claim 5, wherein the inventory data is sent from the in-store systems to the host system, and wherein the host system is configured to either forward the inventory data to the subscriber system or store the inventory data in the host system for later access by the subscriber system.
12. The method of claim 6, wherein the host system stores a network address for the in-store systems.

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13. The method of claim 6, wherein the host system communicates with the in-store system on behalf of the subscriber system.

14. The method of claim 6, wherein transmitting current inventory data from the in-store system to the host system further comprises either forwarding current inventory data to the subscriber system or storing the current inventory data in the host system for later access.

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Appendix B: Cited References

Exhibit A - "ArsDigita Powers Nation's Leading Online Wine Exchange: WineAccess.com,"
Business Wire, July 17, 2000.

Exhibit B - The Microsoft Press Computer Dictionary, 3rd Edition, Microsoft Press, Redmond,
1997, pages 238, 430, 462 and 505.

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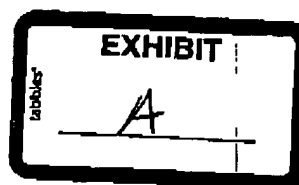
Appendix C: Evidence Appendix

none

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Appendix D: Related Proceedings Appendix

There are no known related appeals or interferences regarding the present appeal.



DIALOG(R)File 610:Business Wire
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00321334 20000717199B3088 (THIS IS THE FULLTEXT)
ArsDigita Powers Nation's Leading Online Wine Exchange: WineAccess.com
Business Wire
Monday, July 17, 2000 09:00 EDT
WORD COUNT: 730

TEXT:

CAMBRIDGE, Mass., Jul 17, 2000 (BUSINESS WIRE) - Using the ArsDigita Community System (ACS) collaborative commerce application suite, WineAccess.com delivers true collaboration between

wine retailers, distributors, and consumers

ArsDigita Corporation, the worldwide leader in custom solutions for collaborative commerce, announces that the ArsDigita Community System (ACS) suite of collaborative commerce applications powers WineAccess.com. WineAccess.com is the nation's leading online wine exchange, providing local independent retailers the ability to compete with mass-marketed "direct sales" wine sites by encouraging consumers to interact with local wine merchants via the Internet. The system, with 23 wine shops across the country currently participating, will be implemented in over 100 retail wine shops by years end.

WineAccess.com supports a national community of wine consumers online, each one a local customer serviced by an actual local retail store. Using the ArsDigita Community System (ACS) software solution, WineAccess.com custom builds each store's Web site, using the store's own point-of-sale system to automatically update and market that store's inventory of wines.

From a seller's Web site, consumers have access to a database of over 250,000 wines; wine-tasting groups; member reviews of wines, restaurants and places to stay, rated on a five-star system; members-only discussion forums; and a "wine finder" service through which member stores will search for hard-to-find wines. Members also have a personal Web page that keeps track of their "wine portfolio," a listing of wines purchased, tasted and rated by each member. They can query their local wine shop, see what items are currently in stock, find out about local tasting events, and shop for the "top rated" wines as reviewed by other WineAccess.com site members throughout the country.

"We partnered with ArsDigita because their software could handle all of the unique functionality our site requires and also scale for growth," stated Jim Weinrott, Founder of WineAccess.com. "With ArsDigita's focus on creating collaborative environments, working with them was a natural fit because the

community aspect of our site is hugely important - for both consumers and sellers."

Key applications from the ACS on WineAccess.com.com include:

--Matchback: mimics the function of good retailers - i.e. since you rated a particular wine highly, you'll probably like this wine

--Store Finder: matches the consumer with a local retailer that has been screened for wine knowledge, customer service and selection. Consumers are only directed to stores that can ship legally.

--Content Relater: displays content related to inquiries by wine type, and other factors so that targeted information flows freely.

--Purchase History: tracks purchase history each time users buy in the store on the web and automatically records purchase in their Wine Portfolio. Subsequent recommendations are based on the user's ratings of the wines in their portfolio.

The ArsDigita Community System (ACS) integrated application suite supports collaborative commerce in five core applications areas:

--Publishing: provide capabilities for authoring, editing, aggregating, and approving content and design templates.

--Site Management: enable site members to rate and moderate content that other

members have contributed to the site. Applications also permit site administrators to log and respond to user inquiries and requests.

--Personalization: enable an organization to set up a site that will register

a member, then track that member's activities, and recognize that member upon return. Can also enforce the appropriate privacy policies.

--Collaboration: enables the ability to share and access information from any

Web browser, whether through bulletin boards, discussion groups, chat rooms, web-based e-mail, a calendar, bookmarks, address books or file storage.

--Transaction: enables e-commerce beyond simple transaction processing. Includes features such as collaborative filtering, recommendation tracking, classifieds, auctions, security, auditing and online reporting.

With ongoing support and development from ArsDigita, WineAccess.com will always have the technology required to handle their growing membership, tailor

a unique user experience for consumers, and provide an easy way for independent wine retailers to expand their business.

About ArsDigita

ArsDigita Corporation is the worldwide leader in custom solutions for collaborative commerce. Some of the world's largest organizations rely on the

ArsDigita Community System (ACS), the company's open-source, freely distributed suite of applications, to drive their online success. Web sites and technologies incorporating the company's software include

Hewlett-Packard,

Siemens, America Online, Oracle Corporation, Away.com and Environmental

Defense. Privately held, ArsDigita has grown to seven offices in the United

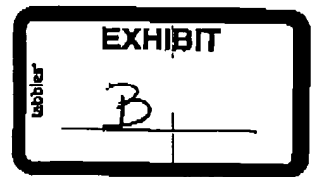
States, Europe and the Far East, with annualized revenues of over \$30 million.

For further information visit <http://arsdigita.com>.

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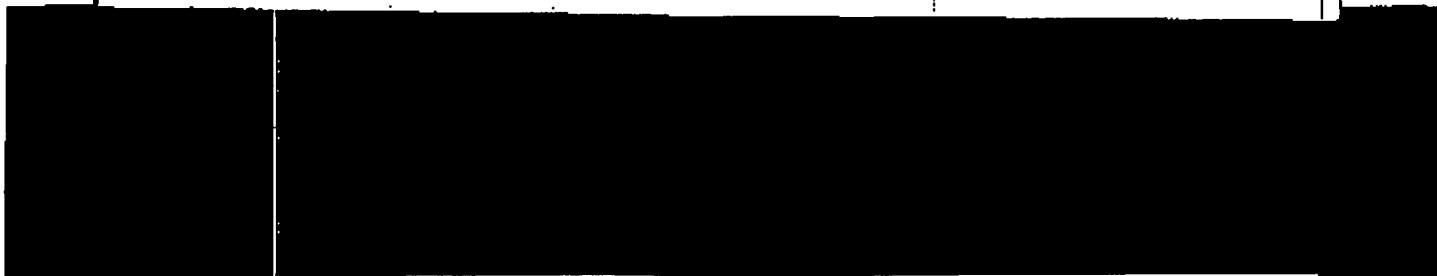
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Microsoft Press



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H-sync

H-sync \H'sēnk\ *n.* See horizontal synchronization.

.hit \dot'H-T\ *n.* On the Internet, the major geographic domain specifying that an address is located in Haiti.

.htm \dot'H-T-M\ *n.* The MS-DOS/Windows 3.x file extension that identifies Hypertext Markup Language (HTML) files, most commonly used as Web pages. Because MS-DOS and Windows 3.x cannot recognize file extensions longer than three letters, the .html extension is truncated to three letters in those environments. See also HTML.

.html \dot'H-T-M-L\ *n.* The file extension that identifies Hypertext Markup Language (HTML) files, most commonly used as Web pages. See also HTML.

HTML \HT-M-L\ *n.* Acronym for Hypertext Markup Language. The markup language used for documents on the World Wide Web. HTML is an application of SGML that uses tags to mark elements, such as text and graphics, in a document to indicate how Web browsers should display those elements to the user and should respond to user actions such as activation of a link by means of a key press or mouse click. HTML 2.0, defined by the Internet Engineering Task Force (IETF), includes features of HTML common to all Web browsers as of 1995 and was the first version of HTML widely used on the World Wide Web. Future HTML development will be carried out by the World Wide Web Consortium (W3C). HTML 3.2, the latest proposed standard, incorporates features widely implemented as of early 1996. Most Web browsers, notably Netscape Navigator and Internet Explorer, recognize HTML tags beyond those included in the present standard. See also .htm, .html, SGML, tag (definition 3), Web browser.

HTML+ \HT-M-L-plus\ *n.* An unofficial specification for enhancements to the original HTML, such as forms and tables. HTML+ was not adopted as a standard but influenced the HTML 2.0 and HTML 3.2 standards. See also HTML.

HTML 2.0 \HT-M-L' tōō'point-O\ *n.* A revised version of the HTML specification that added the capability for forms and eliminated certain little-used tags. Produced as an Internet Draft in mid-1994, HTML 2.0 represented common practice

HTTP Next Generation

among browser developers at the time. It was standardized as an RFC in November 1995. See also HTML, HTML 3.0, HTML 3.2, HTML+, RFC.

HTML 3.0 \HT-M-L' thrē'point-O\ *n.* A revised version of the HTML specification. Its primary enhancement to HTML 2.0 is the support of tables. HTML 3.0 was never standardized or fully implemented by a major browser developer. See also HTML, HTML 2.0, HTML 3.2, HTML+.

HTML 3.2 \HT-M-L' thrē'point-tōō\ *n.* A World Wide Web Consortium (W3C) recommendation for an HTML standard that supersedes the proposed HTML 3.0 standard and adds features to HTML 2.0 such as applets, sub- and superscripts, tables, and text flow around images. See also HTML, HTML 2.0, HTML 3.0.

HTML document \HT-M-L' dok'yə-mən\ *n.* 1. A hypertext document that has been coded with HTML. 2. See Web page.

HTML editor \HT-M-L' ed'ə-tər\ *n.* A software program used to create and modify HTML documents (Web pages). Most HTML editors include a method for inserting HTML tags without actually having to type out each tag. A number of HTML editors will also automatically reformat a document with HTML tags, based on formatting codes used by the word processing program in which the document was created. See also tag (definition 3), Web page.

HTML page \HT-M-L' paj\ *n.* See Web page.

HTML tag \HT-M-L' tag\ *n.* See tag (definition 3).

HTML validation service \HT-M-L' val-ə-dā'shən sər'vis\ *n.* A service used to confirm that a Web page uses valid HTML according to the latest standard and/or that its hyperlinks are valid. An HTML validation service can catch small syntactical errors in HTML coding as well as deviations from the HTML standards. See also HTML.

HTTP \HT-T-P\ *n.* Acronym for Hypertext Transfer Protocol. The client/server protocol used to access information on the World Wide Web. See also URL.

HTTPd \HT-T-P-D\ *n.* Short for Hypertext Transfer Protocol Daemon. A small, fast HTTP server available free from NCSA. See also HTTP server, NCSA (definition 1).

HTTP Next Generation \HT-T-P' nekst' jen'ər-ā'shən\ *n.* See HTTP-NG.

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Serif. A serif typeface (top) and a sans serif typeface (bottom).

serif \sär'if\ *n.* Any of the short lines or ornaments at the ends of the strokes that form a typeface character.

server \sär'ver\ *n.* 1. On a local area network (LAN), a computer running administrative software that controls access to the network and its resources, such as printers and disk drives, and provides resources to computers functioning as workstations on the network. 2. On the Internet or other network, a computer or program that responds to commands from a client. For example, a file server may contain an archive of data or program files; when a client submits a request for a file, the server transfers a copy of the file to the client. See also client/server architecture. Compare client (definition 3).

server-based application \sär'ver-bäsd a-plä-kä-shən\ *n.* A program that is shared over a network. The program is stored on the network server and can be used at more than one client machine at a time.

server cluster \sär'ver klü'stər\ *n.* A group of independent computers that work together as a single system. A server cluster presents the appearance of a single server to a client.

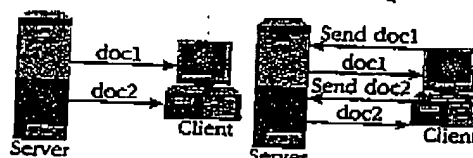
server error \sär'ver är'ər\ *n.* A failure to complete a request for information through HTTP that results from an error at the server rather than an error by the client or the user. Server errors are indicated by HTTP status codes beginning with 5. See also HTTP, HTTP status codes.

server push-pull \sär'ver pōsh'pul', pōl'\ *n.* A combination of Web client/server techniques individually called "server push" and "client pull." In server push, the server loads data to the client, but

the data connection stays open. This allows the server to continue sending data to the browser as necessary. In client pull, the server loads data to the client, but the data connection does not stay open. The server sends an HTML directive to the browser telling it to reopen the connection after a certain interval to get more data or possibly to open a new URL. See the illustration. See also HTML, server (definition 2), URL.

Server push

Client pull



Server push-pull

server-side includes \sär'ver-sīd in-klōd'z\ *n.* A mechanism for including dynamic text in World Wide Web documents. Server-side includes are special command codes that are recognized and interpreted by the server; their output is placed in the document body before the document is sent to the browser. Server-side includes can be used, for example, to include the date/time stamp in the text of the file. See also server (definition 2).

service \sär'ves\ *n.* 1. A customer-based or user-oriented function, such as technical support or network provision. 2. In reference to programming and software, a program or routine that provides support to other programs, particularly at a low (close to the hardware) level. See also utility.

Service Advertising Protocol \sär'ves ad'ver-tī-zēng prō'ta-kol\ *n.* A method used by a service-providing node in a network (such as a file server or application server) to notify other nodes on the network that it is available for access. When a server boots, it uses the protocol to advertise its service; when the same server goes offline, it uses the protocol to announce that it is no longer available. Acronym: SAP (S'A-P). See also server (definition 1).

service bureau \sär'ves byər'ō\ *n.* 1. A company that provides various services related to publishing, such as prepress production, desktop pub-

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and forth between two or more programs. *See also* task, task swapping. *Compare* multitasking.

TB \T-B\ *n.* *See* terabyte.

.tc \dot{T}-C\ *n.* On the Internet, the major geographic domain specifying that an address is located on the Turks and Caicos Islands.

T-carrier \T-kâr-ê-ar\ *n.* A long-distance, digital communications line provided by a common carrier. Multiplexers at either end merge several voice channels and digital data streams for transmission and separate them when received. T-carrier service, introduced by AT&T in 1993, is defined at several capacity levels: T1, T2, T3, T4. In addition to voice communication, T-carriers are used for Internet connectivity. *See also* T1, T2, T3, T4.

Tcl/Tk \uk l-T-K\ *n.* Acronym for Tool Command Language/Tool Kit. A programming system that includes a scripting language (Tcl) and a graphical user interface toolkit (Tk). The Tcl language issues commands to interactive programs, such as text editors, debuggers, and shells, which tie together complex data structures into scripts. *See also* graphical user interface, script, scripting language.

TCM \T-C-M\ *n.* *See* trellis-coded modulation.

TCP \T-C-P\ *n.* Acronym for Transmission Control Protocol. The protocol within TCP/IP that governs the breakup of data messages into packets to be sent via IP, and the reassembly and verification of the complete messages from packets received, by IP. TCP corresponds to the transport layer in the ISO/OSI model. *See also* ISO/OSI model, packet, TCP/IP. *Compare* IP.

TCP/IP \T-C-P-I-P\ *n.* Acronym for Transmission Control Protocol/Internet Protocol. A protocol developed by the Department of Defense for communications between computers. It is built into the UNIX system and has become the de facto standard for data transmission over networks, including the Internet.

TCP/IP stack \T-C-P-I-P stak\ *n.* The set of TCP/IP protocols. *See also* protocol stack, TCP/IP.

.td \dot{T}-D\ *n.* On the Internet, the major geographic domain specifying that an address is located in Chad.

TDM \T-D-M\ *n.* *See* time-division multiplexing.

tear-off \ter-ôf\ *adj.* Capable of being dragged from an original position in a graphical user interface and placed where the user desires. For exam-

ple, many graphics applications feature tear-off menus of tool palettes that can be dragged to locations other than the menu bar.

techie \tek-ê\ *n.* A technically oriented person. Typically, a techie is the person on whom a user calls when something breaks or the user cannot understand a technical problem. A techie may be an engineer or a technician, but not all engineers are techies. *See also* guru.

technical author \tek-ni-kol ð-thar, ð-thâr\ *n.* *See* tech writer.

technology \tek-nol-ô-jê\ *n.* The application of science and engineering to the development of machines and procedures in order to enhance or improve human conditions, or at least to improve human efficiency in some respect. *See also* high tech.

technophile \tek-na-fil\ *n.* Someone who is "enthusiastic about emerging technology. *Compare* computerphile.

tech writer \tek- n-tar\ *n.* Short for technical writer. One who writes the documentation material for a hardware or software product. *Also called* technical author. *See also* documentation.

telco \tel-kô\ *n.* Short for telephone company. A term generally used in reference to a telephone company's provision of Internet services.

telecommunications \tel-ô-ka-myôô-na-kê-shanz\ *n.* The transmission and reception of information of any type, including data, television pictures, sound, and facsimiles, using electrical or optical signals sent over wires or fibers or through the air.

telecommute \tel-ô-ka-myôô\ *vb.* To work in one location (often at home) and communicate with a main office at a different location through a personal computer equipped with a modem and communications software.

teleconferencing \tel-ô-kon-fran-seng\ *n.* The use of audio, video, or computer equipment linked through a communications system to enable geographically separated individuals to participate in a meeting or discussion. *See also* video conferencing.

telecopy \tel-ô-kop-ê\ *vb.* *See* fax.

telematics \tel-ô-mat-iks\ *n.* In communications technology, the linking of computers and telecommunications.

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WAV

wav \dot{W}-A-V\ n. The file extension that identifies sound files stored in waveform (WAV) audio format. *See also* WAV.

WAV \wāv, W-A-V\ n. A file format in which Windows stores sounds as waveforms. Such files have the extension .wav. Depending on the sampling frequency, on whether the sound is monaural or stereo, and on whether 8 or 16 bits are used for each sample, one minute of sound can occupy as little as 644 kilobytes or as much as 27 megabytes of storage. *See also* sampling (definition 2), waveform.

wave \wāv\ n. 1. Any disturbance or change that has an oscillatory, periodic nature, for example, a light or sound wave. *See also* waveform. 2. In electronics, the time-amplitude profile of an electrical signal.

waveform \wāv'fōrm\ n. The manner in which a wave's amplitude changes over time. *See also* period, phase, wavelength.

wavelength \wāv'lenkth, wāv'length\ n. The distance between successive peaks or troughs in a periodic signal that is propagated through space. Wavelength is symbolized by the Greek letter lambda (λ) and can be calculated as speed divided by frequency.

wavlet \wāv'let\ n. A mathematical function that varies over a limited extent of time. *Wav-*lets are coming into increasing use for analyzing signals (such as sound). They have limited duration and sudden changes in frequency and amplitude rather than the infinite duration and constant amplitude and frequency of the sine and cosine functions. *Compare* Fourier transform.

WBEM \W-B-E-M\ n. Acronym for Web-Based Enterprise Management. A protocol that links a Web browser directly to a device or application that monitors a network. *See also* communications protocol.

WDEF \W-D-E-F\ n. *See* window definition function.

WDL \W-D-L\ n. *See* Windows Driver Library.

weak typing \wēk' ū'pēng\ n. A characteristic of a programming language that allows the program to change the data type of a variable during program execution. *See also* data type, variable. *Compare* strong typing.

Webmaster

web \web\ n. A set of interlinked documents in a hypertext system. The user enters the web through a home page. *See also* World Wide Web.

Web \web\ n. *See* World Wide Web.

Web address \web' a'dres, ə-dres\ n. *See* URL.

Web-Based Enterprise Management \web'bāsd en'tər-prīz mən'əj-mənt\ n. *See* WBEM.

Web browser \web' brou'zər\ n. A client application that enables a user to view HTML documents on the World Wide Web, another network, or the user's computer; follow the hyperlinks among them; and transfer files. Text-based Web browsers, such as Lynx, can serve users with shell accounts but show only the text elements of an HTML document; most Web browsers, however, require a connection that can handle IP packets but will also display graphics that are in the document, play audio and video files, and execute small programs, such as Java applets or ActiveX controls, that can be embedded in HTML documents. Some Web browsers require helper applications or plug-ins to accomplish one or more of these tasks. In addition, most current Web browsers permit users to send and receive e-mail and to read and respond to newsgroups. *Also called* browser. *See also* ActiveX controls, helper application, hyperlink, Internet Explorer, Java applet, Lynx, Mosaic, Netscape Navigator, plug-in.

WebCrawler \web'krā'lər, krō'lər\ n. A World Wide Web search engine operated by America Online. *See also* search engine.

Web development \web' de-vel'əp-mənt\ n. The design and coding of World Wide Web pages.

Web directory \web' də-ek'tər-ē\ n. A list of Web sites, giving the URL and a description of each. *See also* URL.

Web index \web' in'deks\ n. A Web site intended to enable a user to locate other resources on the Web. The Web index may include a search facility or may merely contain individual hyperlinks to the resources indexed.

Webmaster or **webmaster** \web'ma'stər\ n. A person responsible for creating and maintaining a World Wide Web site. A Webmaster is often responsible for responding to e-mail, ensuring the site is operating properly, creating and updating Web pages, and maintaining the overall structure

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